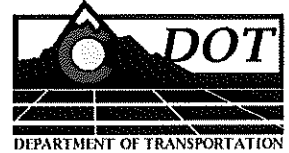


Memorandum

Center for Equal Opportunity
4201 E. Arkansas Ave., Room 200
Denver, Colorado 80222



TO: Transportation Commission DBE Committee

FROM: Heidi Bimmerle, Director of Human Resources and Administration

RE: Center for Equal Opportunity Update

DATE: May 2, 2012

Herman Stockinger

1. FHWA DBE Program

Under the DBE regulation, 49 CFR Part 26, overall goals must be evaluated every three years. CDOT has two overall goals. One overall goal is established for funds from the Federal Highway Administration (FHWA) and the other for funds from the Federal Transit Administration (FTA). As stated in the attached memo, our FHWA overall goal is due this summer. Therefore, we will be taking the following steps in the next few months:

- Discussing the overall goal on May 31, 2012 at the Small Business Forum;
- Presenting a proposed overall goal to the DBE Committee in June;
- Posting the proposed overall goal to the public via newspaper and other notices in June and July;
- Submitting the overall goal to the DBE Committee and Transportation Commission in July.

The attached excel spreadsheet shows our progress against our current overall goal of 13.29% from the start of the federal fiscal year (October 1st) to date. The spreadsheet shows DBE participation on both state and federally funded CDOT construction contracts. At this time, our estimated participation is slightly below the overall goal at 12.3% committed to DBEs.

2. FTA DBE Program

Over the past year, the Center for Equal Opportunity has been making a better effort to encourage a multi-modal DBE program and to educate our FTA grantees on their DBE responsibilities. We will be presenting information about our DBE and Title VI programs to our FTA grantees at this year's CASTA Conference in Fort Collins on May 8, 2012.

3. Emerging Small Business Program

We have received amazing support from our regions in the implementation of the new ESB program. To date, we have restricted two construction projects for bidding only by ESB primes. Next CDOT fiscal year, we intend to have approximately twelve restricted projects for ESBs.

Additionally, our ESB program was recently approved by FHWA and FTA as an acceptable approach to the small business element of the DBE program. We will use the ESB program to increase DBE race-neutral participation on all CDOT contracts.

4. Connect2DOT

Greg Diehl from the Center for Equal Opportunity and Kelly Manning from the Small Business Development Center recently came before you to discuss the alliance of our two agencies for increasing CDOT-related small business assistance across the state. This alliance is moving forward quickly. The SBDC is interviewing applicants for a program manager and CDOT has already established an online plans network. We are currently working on the content for the alliance web portal, workshops and printed materials. Once the program is fully implemented at the Denver SBDC, Connect2DOT will be extended to additional SBDCs throughout the state.

5. Title VI

In April, the CDOT Center for Equal Opportunity hosted a two day training on FHWA's Title VI program. The first day was directed only to CDOT employees and was attended by individuals in engineering, environmental, planning and civil rights. The second day was directed at local agencies and was attended by over sixty-five local agency representatives.

CDOT recently underwent a FTA Title VI Review. Overall we received a positive review, with four areas identified for improvement. The Center for Equal Opportunity and DTR are already taking action to address these areas.

COLORADO DEPARTMENT OF TRANSPORTATION										4/24/2012
DBE MONTHLY REPORT FOR CONSTRUCTION CONTRACTS										
Federal Fiscal Year 2012 to Date (10/1/2011 - 3/31/2012)										
State & Federal Dollars										
	A	B	C	D	E	F	G	H	I	
AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts awarded or committed during this reporting period)	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs* (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs	
1. Prime contracts awarded this period	\$223,590,890	57	\$1,086,466	1	\$0	0	\$1,086,466	1	0.5%	
2. Subcontracts awarded/committed this period	\$56,413,123	537	\$26,424,737	227	\$20,059,525	150	\$6,365,212	77	46.8%	
3. TOTAL			\$27,511,203	228	\$20,059,525	150	\$7,451,678	78	12.3%	
DBE AWARDS/COMMITMENTS THIS REPORTING PERIOD-BREAKDOWN BY ETHNICITY & GENDER	A	B	C	D	E	F	G			
	Black American	Hispanic American	Native American	Asian American	Non-Minority Women	Other (i.e. not of any other group listed here)	TOTALS (for this reporting period only)			
4. Total Number of Contracts (Prime and Sub)	17	85	3	9	113	1	228			
5. Total Dollar Value	\$1,183,564	\$12,140,859	\$716,601	\$235,115	\$13,209,115	\$25,950	\$27,511,203			
ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A	B	C	D	E	F	G	H	I	
	Number of Prime Contracts Completed	Total Dollar Value of Prime Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percentage of Total DBE Participation					
6. Race Conscious	46	\$196,788,758	\$19,364,543				\$22,599,535		11.5%	
7. Race Neutral	22	\$18,948,874					\$5,002,140		26.4%	
8. Totals	68	\$215,737,632					\$27,601,674		12.8%	

* The 228 prime and subcontracts shown in this column went to 92 individual DBE firms.

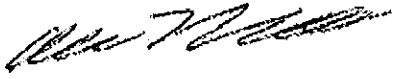
Office of Civil Rights

Memorandum

Date: MAR 16 2010

Subject: ACTION: NEW DBE Goal Submission Schedule

[PDF Version, 194KB]

From: Allen Masuda 
Associate Administrator for Civil Rights

To: Division Administrators

In Reply Refer to: HCR-1

Effective March 5, 2010, the Department of Transportation Disadvantaged Business Enterprise (DBE) program rules were amended to change how often recipients are required to make goal submissions documenting the methodology and process used to establish the annual overall goal to be implemented each fiscal year. Under the new rules, DBE goal submissions will be made at three year intervals, with roughly one third (17 or 18) of FHWA direct recipients making a submission each year. All recipients will no longer submit for approval their annual DBE goal methodology and process on August 1 st of each year. We are required by April 4th to post on our website the schedule of submissions and to provide each recipient specific notice of when its next DBE goal submission is due.

The attached schedule will be posted on the Office of Civil Rights website on or before April 4th. Please ensure that your State Transportation Agency receives a copy of the schedule before that date so that they can plan accordingly. We suggest that you document the receipt by the State of the new schedule.

The DOT Office of the General Counsel is expected to develop additional guidance. We will get that information to you as soon as it becomes available. In addition, we will be convening a teleconference with civil rights staff to answer any questions they may have about the schedule.

Attachment



FHWA THREE YEAR OVERALL DBE GOAL SUBMISSION SCHEDULE

Effective March 5, 2010, primary or direct recipients of financial assistance from the Federal Highway Administration (FHWA) that are required to implement a disadvantaged business enterprise (DBE) program will no longer submit for approval their DBE goal setting methodology and process every year. The annual overall DBE goal based on approved submissions will be in place for three years. This means that each year during the three year period the overall goal will remain the same until the next review cycle and each fiscal year the recipient must make a good faith effort to meet the goal. The substantive goal setting requirements are not changed. It is the FHWA's expectation that recipients will use the time between submissions to improve the overall quality of the goal setting process by developing systems to collect and analyze data needed to support their goal setting methodologies and by fully engaging stakeholders and the public in meaningful ways to obtain relevant information. This expectation will be reflected in the scrutiny given to the submissions. Establishing an annual overall goal for DBE participation that comes as close as possible to approximating the level of participation one would expect in the absence of discrimination or the lingering effects of discrimination is essential to accomplishing the remedial objective of the DBE program.

To transition from a yearly DBE goal setting cycle to a three-year cycle, the FHWA will stagger the DBE goal submissions that are required August 1st so that annually one-third of FHWA recipients will submit to the appropriate division office a DBE goal submission that will be in place for three federal fiscal years. During the three-year period, recipients may make mid-cycle adjustments to their methodology if they experience changes in circumstances that have a significant impact on the established goal. Such mid-cycle adjustments may not take effect until approved by FHWA. Examples of changes that may precipitate an adjustment include significant increases or decreases in the kind (not the amount) of work typically included in a recipient's federally assisted contracting program or significant increases or decreases (25 percent or more) in the availability of DBEs or potential DBEs in the recipient's transportation contracting market. The FHWA also may direct a recipient to undertake a mid-cycle review of its methodology if necessary to ensure the goal continues to reflect conditions that exist in the local transportation contracting market.

The schedule for DBE goal submissions by direct recipients in the states listed below is as follows:

August 1, 2010

Nevada, Hawaii, Oregon, Idaho, Montana, Indiana, Michigan, Ohio, Kentucky, New York, Delaware, New Jersey, Massachusetts, Oklahoma, Arkansas, Louisiana, Mississippi, and Texas

August 1, 2011

Arizona, Alaska, Washington, Nebraska, Missouri, Iowa, Wisconsin, North Dakota, New Hampshire, Pennsylvania, Rhode Island, Virginia, Florida, Puerto Rico, South Carolina, Tennessee, and New Mexico

August 1, 2012

California, Utah, Wyoming, Colorado, South Dakota, Kansas, Minnesota, Illinois, District of Columbia, Connecticut, Maryland, West Virginia, Vermont, North Carolina, Maine, Alabama, Virgin Islands, and Georgia

Direct recipients that are not required to make a DBE goal submission this year (2010) must continue operating under the goal methodology last approved by FHWA. The division office should provide a copy of the approval document to the Office of Civil Rights and the Office of Chief Counsel. As explained above, mid-cycle adjustments may be made if warranted, subject to FHWA prior approval.

The acknowledgment letter typically sent to a recipient upon receipt of its submission that instructs the recipient to implement the goal it has established pending FHWA review does not constitute affirmative approval by FHWA. Recipients are reminded that timely submission of the DBE goal setting methodology and completion of the process is a condition of eligibility for receipt of FHWA financial assistance. Failure to meet the August 1st deadline means you are in non-compliance with federal requirements and subject to the sanctions authorized by 49 CFR §26.101 and 23 §CFR §1.36. The August 1st deadline may not be extended.

Requests to waive the three year DBE goal cycle are subject to the requirements of 49 CFR §26.15(b). However, the approval of the Secretary of Transportation is not required. All waiver requests must be submitted to the appropriate division office within FHWA for approval by the Associate Administrator for the Office of Civil Rights and the Chief Counsel (or their respective delegate). The grant of a waiver is completely discretionary.

Questions about the transition to a three-year cycle should be directed to Martha Kenley via e-mail at martha.kenley@dot.gov in the FHWA Office of Civil Rights or Jo Anne Robinson via e-mail at joanne.robinson@dot.gov in the FHWA Office of Chief Counsel.

This page was last modified on January 3, 2012.

Office of Civil Rights

1200 New Jersey Avenue, S.E., 8th Floor E81-314 Washington, DC 20590

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United States Department of Transportation - **Federal Highway Administration**



leopard Creek Clearing

This spring, Engineering Residency 2 successfully advertised, awarded and completed the Leopard Creek Clearing project, CDOT's first Emerging Small Business (ESB) restricted project. This designation means that the project was only allowed to be bid and awarded to Certified Emerging Small Businesses under the state's ESB program.

The project consisted of four and a half acres of clearing, tree trimming, equipment hours, bird nest removal, and erosion/traffic control items. The project was developed in conjunction with the Leopard Creek Bridge Replacement project, which is scheduled to be completed this calendar year. The clearing project was required to be advertised and completed earlier than the bridge project due to the Migratory Bird Treaty Act.

This act requires vegetation removal in the construction area to be completed prior to April 1 to protect migratory birds in the vicinity.



Medved Global, a construction firm located in Dolores, CO was awarded the \$80,000 contract and was required to complete the work by March 31. Medved mobilized and commenced construction on March 13 and completed all work by the 17. The project was accepted on March 20, well ahead of schedule and within budget.

Another success of this project was that new contractors became certified ESB's during the advertisement and award process.

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